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Fresno, California

April 25, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Henry Perea	Acting Council President
Absent:	Jerry Duncan	Council President

Andy Souza, City Manager
James Sanchez, Interim City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Dr. Les Hyder of the Westminster Presbyterian Church gave the invocation, and Acting President Perea led the Pledge of Allegiance.

COMMENDATION TO FRESNO MEMORIAL AUDITORIUM ON THEIR 70TH ANNIVERSARY - COUNCILMEMBER STERLING

Presented.

PROCLAMATION OF NATIONAL CRIME VICTIMS' RIGHTS WEEK - COUNCILMEMBER WESTERLUND

Read and presented.

PRESENTATION OF A CHECK TO THE COMMUNITY FOOD BANK BY THE DEPARTMENT OF PUBLIC UTILITIES OF PROCEEDS FROM DPU's 3RD ANNUAL GOLF TOURNAMENT

Presented.

PROCLAMATION OF CHILD ABUSE PREVENTION MONTH - COUNCILMEMBER DAGES

Read and presented.

RESOLUTION OF COMMENDATION TO THE GENERAL SERVICES DEPARTMENT AND DEPARTMENT OF TRANSPORTATION-FRESNO AREA EXPRESS FOR THEIR 2006 ENVIRONMENTAL AWARD FOR OUTSTANDING ACHIEVEMENT

Read and presented.

APPROVE MINUTES OF APRIL 18, 2006:

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of April 18, 2006, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

WITHDRAWAL OF FINANCING FOR THE BNSF PASSING TRACK PROJECT IN NORTHWEST FRESNO AND COMMENDATION TO COUNCILMEMBER CALHOUN FOR HIS LEADERSHIP, TIME AND WORK ON THE ISSUE - COUNCILMEMBER DAGES

Commendation made with Councilmember Westerlund concurring and also extending his congratulations.

AB 1234 REPORT ON TRADE DELEGATION TRIP TO OAXACA, MEXICO FOR CULTURAL ARTS AND ACADEMIC RELATIONSHIP - COUNCILMEMBER WESTERLUND

Report made **(2 - 0)** with Councilmember Westerlund advising they met with the mayor and governor and stated the governor would be coming to Fresno on June 2nd in a reverse exchange of cultural/business/academic leaders to try to further the ties with the central valley, noted some 65,000 indigenous Oaxacans live in the central valley and contribute greatly to the valley's cultural diversity, and commended Mexican Consulate Rosas and Fresno Area Hispanic Chamber of Commerce Executive Dora Rivera for their work in organizing the trip.

COMMENDATION TO CONGRESSMAN COSTA, CONGRESSMAN RADANOVICH, ASSEMBLYMAN ARAMBULA, MAYOR AUTRY AND THE GLENDALE CITY CLERK FOR THEIR PARTICIPATION IN THE 3RD ANNUAL ARMENIAN GENOCIDE REMEMBRANCE EVENT - COUNCILMEMBER BOYAJIAN

Commendation made.

(1) REITERATION OF PROBLEM OF HOMELESS PEOPLE SLEEPING ON BENCHES ON THE MARIPOSA MALL AND NEED TO ADDRESS THE ISSUE, (2) VERDIS REQUIEM CONCERT AT THE SAROYAN THEATER AND COMMENDATION TO THE FRESNO CITY COLLEGE CHORUS AND FRESNO STATE CHORUS FOR BACKING UP THE SYMPHONY AND SOLOISTS, (3) COMMENDATION TO ASSISTANT CITY MANAGER RUDD, TOM BAILEY OF FRESNO AREA RESIDENTS FOR RAIL CONSOLIDATION, AND DISTRICT 2 COUNCIL ASSISTANT ANN KLOOSE FOR ALL THEIR BEHIND-THE-SCENES WORK ON THE BNSF PASSING TRACK ISSUE; AND (4) SUPPORT FOR THE CITY'S RELATIONSHIP WITH OAXACA, MEXICO - COUNCILMEMBER CALHOUN

Requests and commendations made, and relative to Oaxaca Councilmember Calhoun noted he visited Oaxaca in the 1970s stating it was a beautiful area and he had fond memories and stated who would have ever thought this kind of relationship would be established.

CONGRATULATIONS TO COUNTY OF FRESNO ON THEIR 150TH ANNIVERSARY - COUNCILMEMBER WESTERLUND

Congratulations extended.

(1) COMMENDATION TO COUNCILMEMBER CALHOUN AND STAFF IN THEIR HARD FIGHT ON THE BNSF PASSING LANE ISSUE; (2) ADDITIONAL COMMENTS ON THE OAXACA TRADE DELEGATION TRIP; AND (3) CENTRAL SAN JOAQUIN VALLEY DELEGATION'S ATTENDANCE AT THE INFRASTRUCTURE BOND NEWS CONFERENCE IN SACRAMENTO - ACTING PRESIDENT PEREA

(1) Commendation made; (2) Acting President Perea added they had an opportunity to meet with the Oaxaca University President on their sophisticated university system and were told their biggest challenge was losing graduates to Europe and other more developed Latin American countries and stated "brain-drain" was a world-wide issue and there was a global competition for talent.; and (3) stated the delegation did their best to ensure the central valley is not forgotten when negotiations occur.

APPROVE AGENDA:

(1-E) APPROVE THE ESTABLISHMENT OF THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT (EMPLOYEE WELFARE BENEFIT PLAN ALLOWING ELIGIBLE EMPLOYEES WHO RETIRE TO USE CERTAIN ACCUMULATED SICK AND VACATION LEAVE FOR POST-RETIREMENT HEALTH INSURANCE PREMIUMS

City Clerk Klisch advised a resolution was associated with the item and it was included in the packet but was inadvertently omitted from the agenda title. So noted.

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(1-G) AWARD A REQUIREMENTS CONTRACT TO KIHU USA, INC., FOR TAPPING SLEEVES AND TAPPING GATE VALVES

Removed from the agenda at the request of staff.

(3:45 P.M.) HEARING TO CONSIDER DESIGNATING THE PEACH AVENUE USDA HORTICULTURAL FIELD STATION HISTORIC DISTRICT LOCATED AT 2021 S. PEACH TO THE LOCAL REGISTER OF HISTORIC RESOURCES

1. RESOLUTION - MAKING THE DESIGNATION

City Clerk Klisch advised staff was requesting the matter be continued and by Council consensus the date was set for May 2, 2006, at 10:30 a.m. Councilmember Calhoun requested staff include the SHPO letter in the packet when the matter comes back.

(4:00 P.M. "D") HEARING ON 2005 CYCLE III TRIMESTER PLAN AMENDMENTS - CONSIDER PLAN AMENDMENT NO. A-05-13, REZONE APPLICATION NO. R-05-79 AND ENVIRONMENTAL FINDINGS FILED BY CEI ENGINEERING ASSOCIATES ON BEHALF OF OWNERS ROBERT AND HA DO, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. KEARNEY BOULEVARD AND S. CRYSTAL AVENUE - 1705 W. KEARNEY BOULEVARD

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-13/R-05-79
2. RESOLUTION - AMENDING THE GENERAL PLAN AND EDISON COMMUNITY PLAN
3. BILL - AMENDING THE FRESNO CHANDLER DOWNTOWN AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN
4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-A/UGM/cz TO R-1/UGM/cz

(Request matter be referred back to staff for rescheduling and re-noticing)

Referred back to staff as requested.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Westerlund, Perea
Noes :	None
Absent :	Duncan

ADOPT CONSENT CALENDAR:

Councilmember Westerlund pulled Item **1-E** for consideration under Contested Consent Calendar and the time was subsequently set for 2:45 p.m.

(1-A) APPROVE THE ACQUISITION OF A 240 SQUARE FOOT STREET EASEMENT AND USE OF A 459 SQUARE FOOT CONSTRUCTION EASEMENT FROM PROPERTY OWNED BY WILLIAM K. MANSON, JR., AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT AND CONSTRUCTION EASEMENT FROM MR. MANSON AND EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE ACQUISITION THROUGH ESCROW

(1-B) APPROVE AN AGREEMENT WITH BEALS ALLIANCE IN THE AMOUNT OF \$174,592 FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE MAPLE-PLYMOUTH PARK (TODD BEAMER PARK)

(1-C) RESOLUTION NO. 2006-154 - APPROVING THE SUMMARY VACATION OF A PORTION OF FLORENCE AVENUE WEST OF MINNEAWA, AND A 10-FOOT WIDE SEWER EASEMENT, A 50-FOOT WIDE WATER MAIN, SEWER MAIN AND ACCESS EASEMENT AND A 16-FOOT WIDE WATER EASEMENT LOCATED NORTH OF CHURCH AVENUE AND EAST OF PEACH AVENUE TO ACCOMMODATE TRACT NO. 5235

(1-D) AUTHORIZE AND DIRECT THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE A QUITCLAIM DEED FOR

A PARCEL OF LAND LOCATED AT THE NORTHEAST CORNER OF FAIRVIEW AND FLORENCE AVENUES - APN 478-113-27

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(1-F) RESOLUTION NO. 2006-155 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDING UNDER THE FEDERAL LAND AND WATER CONSERVATION FUND FOR CONSTRUCTION OF A PLAYGROUND AT AL RADKA PARK LOCATED AT BELMONT AND SUNNYSIDE AVENUES

(1-H) RESOLUTION NO. 2006-156 - INTENT TO ANNEX FINAL TRACT NO. 5406 TO CFD NO. 11, ANNEXATION NO. 7, AND SETTING THE REQUIRED PUBLIC HEARING FOR MAY 16, 2006

(1-I) BILL NO. B-52 - AMENDING THE FMC RELATING TO PROHIBITING THE USE OF STREETS FOR HABITATION, REMOVAL OF VEHICLES FROM STREETS, AND PROHIBITING THE USE OF STREETS FOR STORAGE OF VEHICLES

(1-J) BILL NO. B-45 - ORDINANCE NO. 2006-50 - AMENDING THE FMC RELATING TO TAXI CAB REGULATIONS

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Westerlund, Sterling
Noes	:	None
Absent	:	Duncan

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATIONS:

APPEARANCE BY WALT PARRY, 1584 N. FERGER, REGARDING A JUNK TRAILER PARKED ACROSS THE STREET FROM HIS HOUSE FOR OVER ONE WEEK

Appearance made with Assistant City Manager Rudd and Councilmember Calhoun noting an item was on the agenda this date to deal with that type of problem adding it was of concern to everyone, and stated city staff would be out this date to address the matter.

APPEARANCE BY JAIME HOLT, ON BEHALF OF THE VALLEY AIR DISTRICT, ANNOUNCING LETTER SUBMITTED TO THE CALIFORNIA AIR RESOURCES BOARD (CARD) REQUESTING THE SAN JOAQUIN VALLEY BE IN ATTAINMENT FOR THE PM-10 STANDARD

Announcement made.

APPEARANCE BY JOHN SEPEDA, CANDY'S MEXICAN RESTAURANT, 1243 FULTON MALL, EXPRESSING CONCERN AND OPPOSITION TO (1) MOBILE CART VENDORS ON THE MALL, AND (2) HOMELESS PEOPLE BOTHERING BUSINESS PATRONS

Appearance made with Mr. Sepeda speaking to the city wanting businesses on the mall, to the money mall owners invest in their businesses and how cart vendors take business away, requested a change be made to prohibit the vendors, and also requested a greater police presence on the mall -- at least during the lunch hour -- to deal with homeless people bothering people who eat outside. Councilmembers Sterling, Boyajian and Assistant City Manager Rudd responded and/or commented on the issue at length, including the issue of motorized vendors who operate outside of the mall, and stated staff would work with Councilmember Sterling's office on the issue, advised the issue was a concern and has been discussed by Council before, added input from businesses was needed and important to make changes, and Councilmember Sterling requested Mr. Sepeda contact her office staff when he leaves.

(9:15 A.M.) GENERAL ADMINISTRATION:

(A) REPORT TO COUNCIL ON THE STATUS OF THE CREATIVE ECONOMIC COUNCIL'S RECOMMENDATIONS

M.A. Zieba stated she was excited to present this report and concurred with an earlier comment that Fresno was a city on the move, gave an in-depth overview of the issue and the recommendations, all as contained in the staff report as submitted, and clarified specific action was not being requested this date and stated staff would move forward with the recommendations and provide periodic updates.

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Speaking to the issue were: Craig Scharton, 1727 "L" Street, One by One Leadership, who spoke to the need to extend the noise ordinance at some downtown locations to allow for later night time entertainment activity, to their work on the formation of downtown revitalization districts, and to the Fulton Mall process **(3 - 0)**, and submitted into the record lists of names of the board of directors of the Old Downtown Divisadero District and the Fresno Cultural Arts District Association, on file in the office of the city clerk; and Jaime Holt, 847 E. Yale, who stated although it was great that so much of the CEC report was already being implemented she was concerned that the excitement and enthusiasm would diminish because of that, and requested Council take action on the noise ordinance and schedule another status report in three months.

Staff and the CEC were commended for the report and their work and extensive discussion ensued with Councilmembers Calhoun, Westerlund, Boyajian and Sterling all speaking to the issue and presenting questions/comments on various issues including how Fresno County's draft transportation plan tied into the downtown transportation study, what was happening with the Fulton Mall study and request for a tray memo for informational purposes on the community process that will be undertaken, the district concept, what needed to be done to revise the noise ordinance, support for another update report in three or four months, suggestion to look at Sacramento's Sunrise Mall Business Improvement District model, concern with not funding the Bankside Trails Project and the negative attitude towards the project, importance and benefit of trails to the city, need for the City and RDA to assist outside developers who want to invest in the city, importance of having another update report for accountability purposes, if the board of directors' lists submitted were for informational purposes only, and suggestion to the CEC to partner with city departments and participate more in the process to assist interested developers. City Manager Souza, Ms. Zieba, Planning & Development Director Yovino and Mr. Scharton responded throughout to questions.

Acting President Perea directed staff to schedule the noise ordinance issue in one week for discussion and action and the matter was set for May 2nd at 3:00 p.m. Acting President Perea stated the issue of Wi-Fi downtown needed to be visited and advised he would schedule the issue of an RFP on a future agenda, stated there were many good recommendations here and Council and the Mayor could be champions of new policies and ideas to change the face of the city, reiterated his earlier comments about Oaxaca losing their students to other countries and there being global competition for talent, encouraged Council to schedule on the agenda any recommendation they feel needs to be explored, and spoke to the issue of renewable energy and advised he would be bringing a measure forth this summer relative to giving tax breaks to homeowners who use solar energy as an incentive to encourage more renewable energy in the city. There was no further discussion.

(B) REQUEST AUTHORIZATION TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION FOR SERVICES RELATED TO THE PROCESSING OF DEVELOPMENT PROJECTS

Planning & Development Director Yovino gave a brief overview of the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, **RESOLVED**, the Planning & Development Director authorized to execute the amendment to the Agreement with URS Corporation to reflect an increase in the total fee from \$300,000 to \$600,000, by the following vote:

Ayes :	Calhoun, Dages, Sterling, Westerlund, Perea
Noes :	Boyajian
Absent :	Duncan

(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-06-08 AND ENVIRONMENTAL FINDINGS FILED BY AMTECH CONSTRUCTION, INC., PROPERTY LOCATED AT THE BURLINGTON NORTHERN SANTA FE RAILWAY TRACKS AND N.

FRUIT SOUTH OF W. ASHLAN VENUE

1. CONSIDER AND ADOPT E.A. NO. R-06-08, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. **BILL NO. B-53 - ORDINANCE NO. 2006-51** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO R-2

Acting President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planning Manager Haro advised the staff report as submitted was complete, there was no new information to add, and introduced new Planner Singh and spoke briefly to her experience. Planner Singh advised the applicant was agreeable to all conditions and to staff's recommendation.

Upon call, no one wished to be heard and Acting President Perea closed the public hearing.

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A motion and second was made to approve staff's recommendation. Upon question of Councilmember Westerlund, Mr. Haro clarified the March 9, 2006, date applied to the environmental finding and not the General Plan MEIR.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-06-08 dated March 9, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-53 rezoning the subject property adopted as Ordinance No. 2006-51, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Westerlund, Perea
Noes :	None
Absent :	Duncan

(10:10 A.M.) HEARING ON REZONE APPLICATION NO. R-05-83 AND ENVIRONMENTAL FINDINGS FILED BY KB HOMES, PROPERTY LOCATED ON THE NORTH SIDE OF E. CHURCH BETWEEN S. PEACH AND S. MINNEWAWA AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-83/T-5498/C-05-217, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. **BILL NO. B-54 - ORDINANCE NO. 2006-52** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2/UGM/cz to R-2/UGM

Acting President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun stated the staff report as submitted was complete and there was no new information to add.

Kareen Demetrius, representing KB Homes, 5431 W. Story, stated she agreed with staff's recommendation and clarified the Roosevelt Implementation Committee's denial was based on their request that KB construct a larger project which she stated would not have conformed to the general plan.

Upon call, no one else wished to be heard and Acting President Perea closed the public hearing.

Mr. Braun, City Manager Souza and Assistant Public Works Director Kirn responded to questions/concerns of Councilmember Dages relative to why the city was not improving their property at Peach and Church, when the city would develop that property, opposition to a two-lane road on Church that narrows down to one with no curbs/gutters/sidewalks, need for staff to coordinate with KB and finish the corner at one time, the landscaped canal, if the trail was stopping at a point because the city was not allowing KB to go across the property to continue it, and why the city was not allowing KB to go across the property. A motion and second was made to approve staff's recommendation. Councilmember Boyajian stated this was a good project but he could not support it as an EIR was not conducted, this project was boot-strapping on the MEIR, cumulative impacts needed to be looked at so the developer could pay its fair share, and elaborated further.

(4 - 0) On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-83/T-5498/C-05-217 dated March 3, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-54 rezoning the subject property adopted as Ordinance No. 2006-52, by the following vote:

Ayes :	Calhoun, Dages, Sterling, Westerlund, Perea
Noes :	Boyajian
Absent :	Duncan

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-05-72 AND ENVIRONMENTAL FINDINGS FILED BY JAMES BRATTON, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. MARKS AND W. OLIVE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-72/T-5590/C-05-202, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-55 - ORDINANCE NO. 2006-53 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM T-P/UGM TO R-1/UGM

Acting President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun stated the staff report as submitted was complete and there was no new information to add.

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Upon call, no one wished to be heard and Acting President Perea closed the public hearing.

A motion and second was made to approve staff's recommendation. Councilmember Boyajian stated he could not support the project as an EIR was not conducted to look at impacts to the air, the environment and traffic congestion. Mr. Braun responded briefly to questions of Councilmember Westerlund relative to the density and why it was so low. Councilmember Sterling added the applicant was allowing for more open space and he could have constructed apartments but single-family residences were preferred.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-72/T-5590/C-05-202 dated March 3, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-55 rezoning the subject property adopted as Ordinance No. 2006-53, by the following vote:

Ayes :	Calhoun, Dages, Sterling, Westerlund, Perea
Noes :	Boyajian
Absent :	Duncan

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-05-45 AND ENVIRONMENTAL FINDINGS FILED BY GRANITE BAY, LCC, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. WHITESBRIDGE AND S. VALENTINE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-45/T-5463/C-05-140, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. RESOLUTION NO. 2006-157 - DENYING THE APPEAL AND APPROVING TESTING T.T. MAP MO. 5463

3. BILL NO. B-56 - ORDINANCE NO. 2006-54 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-1/UGM

Acting President Perea announced the time had arrived to consider the issue and opened the hearing.

Planner Fabino gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended the appeal be denied and the rezone approved.

Dirk Poeschel, 923 Van Ness, representing the applicant, elaborated further on the project including the studies that were conducted, impacts that were looked at, fees they would pay, and improvements that would be made, displaying maps throughout to illustrate, and requested approval.

Speaking in opposition to staff's recommendation citing various concerns including lot size, lack of an EIR, water issues, school overcrowding, poor development, and the people subsidizing the developer were: Harlan Kelly, 3378 W. Kearney Boulevard; Robert Mitchell, 3349 W. Madison; Charles Frances; and Victor Macias, 3162 W. Madison.

Upon call, no one else wished to be heard and Acting President Perea closed the public hearing.

At the request of Councilmember Sterling, Planning & Development Director Yovino and Mr. Poeschel responded at length addressing the issues and concerns expressed by the speakers **(5 - 0)**. Relative to environmental concerns Councilmember Sterling stated the city was ahead of the curve and explained, stated this was a great project and a great developer, spoke to the importance of affordable housing but clarified this project would be for home-buyers with higher income levels, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Discussion ensued. Councilmember Boyajian concurred this was a good developer and a good project but questioned how the impacts mentioned could be known without an EIR, stated the initial study did not look at all the other projects in the area and future projects, and elaborated further on his concerns. Councilmember Calhoun stated west Fresno had come a long way and spoke in support of the project adding this developer was doing a lot for the community, and pointed out Mr. Poeschel was the 2006 Central California Excellence in Business Award winner stating that was a credit to Mr. Poeschel and added he would be recognized at an upcoming lunch. Councilmember Westerlund stated he was independent and represented people -- not developers -- and stated he was representing people who want to move to west Fresno, emphasized the 2025 general plan was doing exactly what it was supposed to do and that was moving development to the south east and south west areas, stated the issues and concerns he was hearing were no different than those in other council districts, stated Fresno was growing, it had to grow, and it was growing smartly, and spoke briefly to how CEQA is allowed and implemented to allow projects to go forward. Acting President Perea stated he knows a good project when he sees one and stated what he liked about this project was how green space was incorporated, concurred Fresno was growing and noted he heard that 25% of homes bought last year were purchased by people from Los Angeles and the bay area, and stated California was pushing a lot of growth here and it was important to grow in the right way.

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On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-45/T-5463/C-05-140 dated February 9, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, the above entitled Resolution No. 2006-157 hereby adopted, and the above entitled Bill No. B-55 rezoning the subject property adopted as Ordinance No. 2006-53, by the following vote:

Ayes : Calhoun, Dages, Sterling, Westerlund, Perea
 Noes : Boyajian
 Absent : Duncan

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-05-100 AND ENVIRONMENTAL FINDINGS FILED BY CENCAL HOLDINGS, LLC, PROPERTY LOCATED ON THE EAST SIDE OF S. BRAWLEY BETWEEN W. WHITESBRIDGE ROAD AND W. MADISON AVENUE

1. CONSIDER AND ADOPT E.A. NO. R-05-100/T-5574, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-57 - ORDINANCE NO. 2006-55 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-1/UGM

Acting President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question a planning & development staff member advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and Acting President Perea closed the public hearing.

Councilmember Sterling spoke briefly in support and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-100/T-5574, dated February 9, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-57 rezoning the subject property adopted as Ordinance No. 2006-55, by the following vote:

Ayes : Calhoun, Dages, Sterling, Westerlund, Perea
 Noes : Boyajian
 Absent : Duncan

LUNCH RECESS - 12:17 P.M. - 2:34 P.M. Acting President Perea was absent for the remainder of the meeting and Councilmember Sterling presided as Chair.

(11:00 A.M.) SUBMISSION BY SMG OF THE ANNUAL REPORT OF THE 2005 FRESNO CONVENTION AND ENTERTAINMENT CENTER

City Manager Souza gave a brief overview of the issue and Convention Center General Manager Overfelt introduced staff members who operate the facility and gave a PowerPoint presentation on the report, which included an executive summary, accomplishments, 2003-2005 growth patterns, number of events held during 2003-2005, event types, revenue and expense benchmark performance, and future goals, all as contained in the report as submitted.

Council members commended SMG and staff and extensive discussion ensued with Mr. Overfelt and Mr. Souza clarifying issues and/or responding throughout to various questions and comments of Councilmembers Calhoun, Dages, Westerlund, Boyajian and Sterling relative to the friendliness of event staff, desire to see the capital improvements completed, need to display information during events on the "good things" coming up/improvements being made, **(6 - 0)** commendation for taking problems head on and resolving issues, the successful track and field event, the move to SMG being a good one, revenue benchmark for Year 2, the operating deficit, time line on the capital improvement projects and challenge of the Selland Arena seat replacement, the success and importance of the Sports Council, what the city was paying SMG, numerous questions on the Convention & Visitor's Bureau, conventions, non-revenue making city events held at the facility, need for events at the downtown stadium and need to provide incentives to bring in top name acts/groups, if staff has talked with the new stadium owners about holding concerts in conjunction with baseball games, if issues that arose during the first year (chiller and chandelier)

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were all resolved, staff's on-going efforts to market the stadium, employment opportunities that were made available for city residents, number of staff who book acts, who covers operating costs, what it cost the city to run the facility two years ago, if the city was still putting money into operations, if there were any plans for the physical structures of the buildings, and if there were any major problems. SMG was again commended and there was no further discussion.

(2:45 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1-E) RESOLUTION NO. 2006-158 - APPROVING THE ESTABLISHMENT OF THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT (HRA), AN EMPLOYEE WELFARE BENEFIT PLAN ALLOWING ELIGIBLE EMPLOYEES WHO RETIRE TO USE CERTAIN ACCUMULATED SICK AND VACATION LEAVE FOR POST-RETIREMENT HEALTH INSURANCE PREMIUMS

Labor Relations Manager Phillips responded to questions of Councilmember Westerlund and clarified issues relative to how this process will work, if this will impact those participating in the DROP program, if other bargaining units will want an HRA, the sick leave cash-out program, administrative costs for the two units, and if there would be a notification process to employees when their hours start to run out.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-158 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Westerlund, Sterling
Noes :	None
Absent :	Duncan, Perea

(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council recessed at 3:38 p.m. met in joint session with the Redevelopment Agency.

Chair Sterling advised she would be recusing herself from Item "B" proceedings as her family owned property in the Hope VI Project area.

APPROVE AGENCY MINUTES OF APRIL 4, 2006

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of April 4, 2006, approved as submitted.

("A") **AGENCY RESOLUTION NO. 1677** - ADOPTING E.A. NO. 2006-1, FINDING OF NO POSSIBILITY OF SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FACILITIES LICENSE AGREEMENT FOR A LICENSE AREA, TO COMCAST OF FRESNO, INC., OVER PROPERTY OWNED BY THE RDA FOR UNDERGROUND COMMUNICATIONS, BROADBAND AND CABLE TELEVISION FACILITIES TO THE MASTEN TOWERS

Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Member Dages seconded by Member Westerlund, duly carried, RESOLVED, the above entitled Agency Resolution No. 1677 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Westerlund, Sterling
 Noes : None
 Absent : Duncan, Perea

("B") APPROVE A PURCHASE AND SALE AGREEMENT FOR PROPERTY AT 145 E. GEARY IN THE HOPE VI AREA, AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT

147-142

4/25/06

Chair Sterling recused herself as noted earlier and left the meeting at 3:40 p.m. Senior Real Estate Agent Hansen gave an overview of the issue, all as contained in the staff report as submitted, and requested approval. Executive Director Murphey added this was another in a series of acquisitions, one remained to be purchased in the footprint of the proposed One Stop County Center which had an agreement underway, and **(7 - 0)** five were remaining in the mixed use area.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the acquisition of a single-family residence at 145 E. Geary owned by the Sheila D. Wright Revocable Trust for \$174,900, within the Hope VI Project area hereby approved, and the Executive Director authorized to execute all documents pertaining to the transaction, by the following vote:

Ayes : Calhoun, Dages, Westerlund, Boyajian
 Noes : None
 Absent : Duncan, Perea
 Recused : Sterling

The joint bodies adjourned their meeting at 3:43 p.m.

RECESS - 3:43 P.M. - 4:02 P.M.

(4:00 P.M.) HEARING ON 2005 CYCLE III TRIMESTER PLAN AMENDMENT APPLICATIONS:

Acting Chair Sterling announced the time had arrived to consider the issue and opened the hearing.

Planner Sanchez gave an in-depth PowerPoint overview of the issue and the six plan amendments and noted Item "D" was being referred back to staff.

(A) CONSIDER PLAN AMENDMENT NO. A-05-09, REZONE APPLICATION NO. R-05-69, AND ENVIRONMENTAL FINDINGS FILED BY KATHRYN McCAMANT ON BEHALF OF ALLUVIAL DEVELOPMENT, LLC, PROPERTY LOCATED ON THE NORTH SIDE OF E. ALLUVIAL BETWEEN N. CHESTNUT AND N. WILLOW AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-05-0/R-05-69

2. **RESOLUTION NO. 2006-159** - AMENDING THE GENERAL PLAN AND WOODWARD PARK COMMUNITY PLAN

3. **BILL NO. B-58 - ORDINANCE NO. 2006-56** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR TO R-1./UGM

Planner Tackett gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended

approval.

Project Manager Katie McCamant, representing the applicant, gave an in-depth PowerPoint presentation on the project and the co-housing community concept.

Upon call, no one else wished to be heard and Acting Chair Sterling closed the hearing.

Councilmember Calhoun stated this was a fascinating concept and one that he was familiar with, made a motion to approve staff's recommendation (which was seconded by Councilmember Westerlund), and requested Ms. McCamant provide material on the concept to his office. Mr. Tackett and Ms. McCamant responded to questions and/or comments of Councilmembers Dages, Boyajian and Westerlund relative to whether homeowners will have the same rights as condominium owners, if homes can be rented out, familiarity with the concept but not knowing it was planned for Fresno, suggestion to consider this concept for the downtown and inner-city areas, and how people come together or are informed of the project.

Acting Chair Sterling advised an organization was looking to do this in the downtown area and added she was also approached by another outside group who is looking to do this in her district, advised an informational seminar was scheduled would be held May 18th and stated she would provide information to Council, and stated President Duncan was supportive of this project.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for the E.A. dated March 16, 2006 hereby approved, the above entitled Resolution No. 2006-159 hereby adopted, and the above entitled Bill No. B-58 rezoning the subject site adopted as Ordinance No. 2006-56, by the following vote:

147-143

4/25/06

Ayes : Boyajian, Calhoun, Dages, Westerlund, Sterling
 Noes : None
 Absent : Duncan, Perea

("B") CONSIDER PLAN AMENDMENT NO. A-05-11, REZONE APPLICATION NO. R-05-73, AND ENVIRONMENTAL FINDINGS FILED BY PAULI ENGINEERING ON BEHALF OF CARLOS LOPEZ, PROPERTY LOCATED ON THE NORTH SIDE OF W. NORTH AVENUE BETWEEN S. ELM AND S. SANTA CLARA AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-11/R-05-73

2. RESOLUTION NO. 2006-160 - AMENDING THE GENERAL PLAN, THE GNRA PROJECT REDEVELOPMENT PLAN, AND THE EDISON COMMUNITY PLAN

3. BILL NO. B-59 - ORDINANCE NO. 2006-57 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1 TO P

Acting Chair Sterling announced the time had arrived to consider the issue and opened the hearing. Planner Trejo gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval.

Civil Engineer Pauli, on behalf of the applicant, spoke further to the property and proposed project and requested approval.

Speaking in opposition to the issue were Rita McPeters, 116 W. North, who expressed concern with commercial and traffic congestion issues in their residential area; and Brunette Harris, who spoke to ponding basin concerns, stated Acting Chair Sterling should not be participating or be allowed to meet with people noting she was once asked to recuse herself from the entire project, and questioned what legal code allowed her to participate. Interim City Attorney Sanchez clarified Ms. Sterling had a previous conflict with the Hope VI Project but clarified she could participate as this project was two miles away from Hope VI which was beyond any legal requirement for conflicting a member out. Margie Haymon also spoke in opposition, stated Hope VI and Running Horse were part of the Master Project Plan, stated the city was trying to blight their area and box them in, expressed concern with the ponding basin, and stated Ms. Sterling recused herself back in 2004 and it was illegal for her to vote on this matter and added Council had no right to vote on issues in their area.

Upon call, no one else wished to be heard and Acting Chair Sterling closed the hearing.

Discussion ensued with Councilmembers Calhoun and Westerlund commenting on the issue and presenting questions/comments relative to whether adequate landscaping/trees would be installed and what kind would be installed, the banquet hall and commercial center being a plus to the area/community, the comment about Pinedale and the progress that has been made there, temporary ponding basins and need for a condition to pave it over when it is no longer needed (**8 - 0**), and when the Fresno Metropolitan Flood Control

District would develop the property, with Mr. Haro responding throughout.

Councilmember Sterling reiterated her request to Mr. Pauli to meet with residents on their concerns, stated this area was in need of improvement and this project would improve it, spoke to how the city was addressing environmental issues/blighted areas, clarified the projects she has been working on have nothing to do with Hope VI and added she has recused herself from previous Hope VI issues as her family owned property in that area, further clarified she did not own property in this subject area, and thanked the developer for investing and cleaning up the area and providing job opportunities.

On motion of Acting Chair Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for the E.A. dated March 16, 2006, hereby approved, the above entitled Resolution No. 2006-160 hereby adopted, and the above entitled Bill No. B-59 rezoning the subject site adopted as Ordinance No. 2006-57, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Westerlund, Sterling
 Noes : None
 Absent : Duncan, Perea

("C") CONSIDER PLAN AMENDMENT NO. A-05-12, REZONE APPLICATION NO. R-05-77 AND ENVIRONMENTAL FINDINGS FILED BY DALE MELL ON BEHALF OF MIKE PISTORESI, SOUTHWEST CORNER OF W. CALIFORNIA AND S. WEST AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-12/R-05-77
2. RESOLUTION - AMENDING THE GENERAL PLAN AND EDISON COMMUNITY PLAN
3. BILL - AMENDING THE FRESNO-CHANDLER DOWNTOWN AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN
4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM AL-20 TO R-1/UGM

147-144

4/25/06

Acting Chair Sterling announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, submitted to Council a Covenant acknowledging the rights of agricultural processing facilities in the area as required by the planning commission, a copy of which is on file in the office of the city clerk, and recommended approval.

Scott Klein, 413 W. Yosemite, Suite 106, Madera, representing the applicant, stated he agreed to all the conditions and the covenant.

Margie Haymon stated she was opposed, this project was part of the Master Plan of the RDA, questioned how Acting Chair Sterling could participate legally when she recused herself in 2004, stated this project was part of the Running Horse and Hope VI redevelopment plan of west Fresno, and again questioned what code allowed Ms. Sterling to participate and allowed Council to vote for the people of southwest Fresno. Interim City Attorney Sanchez advised the overriding conflict considerations were under the Political Reform Act which required members to recuse themselves based on a financial or property interests within 500 feet of the property being considered, and stated he was just advised by staff that this project did about the Hope VI Project area and advised Acting Chair Sterling conflict herself out. Acting Chair Sterling recused herself and left the meeting at 5:02 p.m., with Councilmember Dages taking over as Chair.

Brunette Harris stated Hope VI was part of this, questioned how Council could vote on the southwest area, stated everything done since 2004 was illegal as Ms. Sterling was allowed to participate, and again questioned what law allowed Council to sit and vote on anything having to do with this matter as they did not represent district 3 and their district did not have any representation.

Upon call, no one else wished to be heard and Acting Chair Dages closed the public hearing.

Councilmember Boyajian stated he wanted to support this project but without an EIR stated he could not, and presented questions relative to the rezoning and if something else was studied besides housing, with Planner Sanchez responding.

Councilmember Westerlund stated he had some questions and wanted the matter tabled two weeks so he could obtain additional information, and made a motion to table.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the hearing on Plan Amendment No. A-05-12/Rezone Application No. R-05-77 tabled to May 9, 2006, at 3:00 p.m., by the following vote:

Ayes : Calhoun, Westerlund, Dages
 Noes : Boyajian
 Absent : Duncan, Perea
 Recused : Sterling

Upon question of Acting Chair Dages, Mr. Sanchez clarified Council took testimony, closed the public hearing and began deliberations, and Council would continue deliberating on May 9th. Upon question of Councilmember Calhoun Mr. Sanchez clarified the fact that one member is disqualified due to a conflict does not prevent the Council as a whole from acting and making a decision on matters consistent with due process principles.

Acting Chair Sterling returned to the meeting at 5:11 p.m.

("D") CONSIDER PLAN AMENDMENT NO. A-05-13, REZONE APPLICATION NO. R-05-79 AND ENVIRONMENTAL FINDINGS FILED BY CEI ENGINEERING ASSOCIATES ON BEHALF OF OWNERS ROBERT AND HA DO, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. KEARNEY BOULEVARD AND S. CRYSTAL AVENUE - 1705 W. KEARNEY BOULEVARD

1-4. ADOPTION OF RELATED DOCUMENTS

(Request matter be referred back to staff for rescheduling and re-noticing)

Planner Sanchez clarified the matter was referred back to staff and it would be rescheduled and re-noticed at the appropriate time.

("E") CONSIDER PLAN AMENDMENT NO. A-05-14, REZONE APPLICATION NO. R-05-80 AND ENVIRONMENTAL FINDINGS FILED BY SOL DEVELOPMENT ASSOCIATES, LLC, ON BEHALF OF AMBASSADOR BAPTIST CHURCH, PROPERTY LOCATED ON THE NORTH SIDE OF W. CLINTON BETWEEN N. MARKS AND N. VALENTINE AVENUES - 3256, 3318 AND 3354 W. CLINTON AVENUE

147-145

4/25/06

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-14/R-05-80

2. RESOLUTION NO. 2006-161 - AMENDING THE GENERAL PLAN AND WEST AREA COMMUNITY PLAN

3. BILL NO. B-60 - ORDINANCE NO. 2006-58 - AMENDING THE OFFICIAL ZONE MAP TO REZONE 1.73 ACRES FROM AE-5/UGM TO R-2/UGM, AND 8.55 ACRES FROM AE-5/UGM TO R-1/UGM

Acting Chair Sterling announced the time had arrived to consider the issue and opened the hearing. Planner Brock gave an overview of the issue, upon her question Acting Chair Sterling stated she had no holdings within 500 feet of this project area, gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval.

Bill Robinson, Sol Development Associates, representing the applicant, spoke further to the project and requested approval.

Speaking to the issue were: Pastor Mark Ermler, Ambassador Baptist Church, support; Margie Haymon, opposed, who stated this was part of the Master Project Plan and Acting President Sterling was still here, and stated the church needed to read and understand the master plan as it allowed for eminent domain; and Brunette Harris, opposed, who stated this was all part of the merger and Hope VI and part of the master plan, and expressed concern stating Acting President Sterling was still here and was still allowed to meet with people. Referencing comments made Ms. Brock clarified this project was not in any adopted redevelopment area, staff was not aware there was even any redevelopment study involved for any future redevelopment plan, the closest redevelopment plan was the Freeway 99 Revitalization which was quite a distance from this property, and stated this property was not related to the Hope VI or Running Horse projects.

Continued speakers in support of the project were Larry Wages, church member, who spoke further to their proposed project, and Mimi Koligian. Acting Chair Sterling recognized Mrs. Koligian stating she was the wife of former Supervisor Deran Koligian.

Upon call, no one else wished to be heard and Acting Chair Sterling closed the public hearing.

Pastor Ermler and Mr. Robinson responded to questions of Councilmember Boyajian relative to construction of the sanctuary and apartments, number of units that would be constructed, and if the apartments would be for church parishioners or for the public. Acting Chair Sterling stated the church was very self-sufficient and they have helped their community, stated this project would improve the area,

it was really needed, and she looked forward to it, clarified there would be no eminent domain as mentioned by a speaker, and made a motion to approve staff's recommendation.

On motion of Acting Chair Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a mitigated negative declaration and mitigation measures for the E.A. dated March 16, 2006, with the addition of a project-specific mitigated measure addressing traffic signalization at the W. Clinton /N. Marks intersection hereby approved, the above entitled Resolution No. 2006-161 hereby adopted, and the above entitled Bill No. B-60 adopted as Ordinance No. 2006-58, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Westerlund, Sterling
 Noes : None
 Absent : Duncan, Perea

("F") CONSIDER PLAN AMENDMENT NO. A-05-15, REZONE APPLICATION NO. R-05-102 AND ENVIRONMENTAL FINDINGS, FILED BY ALAN HARLAN, PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. DAKOTA AND N. MAPLE AVENUES AND EAST OF N. HAYSTON AND STATE ROUTE 168

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-15/R-05-102

2. **RESOLUTION NO. 2006-162** - AMENDING THE GENERAL PLAN AND McLANE COMMUNITY PLAN

3. **BILL NO. B-61 - ORDINANCE NO. 2006-59** - AMENDING THE FRESNO-YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS PLAN

4. **BILL NO. B-62 - ORDINANCE NO. 2006-60** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO M-1/cz

Acting Chair Sterling announced the time had arrived to consider the issue and opened the hearing. Planner Berend gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval.

Charles Justice, 4634 E. Dakota, stated he was annexed to the city nearly twenty years ago and his area was still having problems **(9 - 0)**, and stated he was opposed to any project in the area due to the fact that the city needed to clean up the problems they created.

Upon call, no one else wished to be heard and Acting Chair Sterling closed the hearing.

147-146

4/25/06

Mr. Justice responded briefly to questions of Councilmember Westerlund relative to where he resided, Councilmember Westerlund stated this was a good project and made a motion to approve staff's recommendation, and Mr. Justice spoke briefly to a new dog kennel in the area he stated was not properly zoned. Upon question of Councilmember Boyajian, staff stated this property was not under a flight pattern and the ALUC approved it.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for the E.A. dated March 16, 2006, hereby approved, the above entitled Resolution No. 2006-162 hereby adopted, and the above entitled Bill Nos. B-61 and B-62 adopted as Ordinance Nos. 2006-59 and 2006-60 respectively, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Westerlund, Sterling
 Noes : None
 Absent : Duncan, Perea

Councilmember Calhoun stated before the next trimester hearing it would be helpful if staff provided Council with information relative to whether there were plans to reject any plan amendments, progress being made, if the trimester hearing process was working, and recommendations, if any, to improve the process.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:47 p.m. having arrived and hearing no objections, Acting Chair Sterling declared the meeting adjourned.

Approved on the ____2nd____ day of _____ May _____, 2006.

/s/

Cynthia Sterling, Acting Chair

ATTEST:

/s/

Yolanda Salazar, Assistant City Clerk